

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BENNIE PINO,

Plaintiff,

v.

No. CV 19-666 MV/CG

FNU WATCHMAN, et al.,

Defendants.

**ORDER GRANTING LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915(b),
AND TO MAKE PAYMENTS OR SHOW CAUSE**

THIS MATTER is before the Court on Bennie Pino's *Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915*, (Doc. 2), and *Application to Proceed in District Court Without Prepaying Fees or Costs*, (Doc. 9). Based on analysis of Mr. Pino's Application and the inmate account statement, (Doc. 5 at 2), (Doc. 9 at 5-7), the Court grants Mr. Pino leave to proceed under 28 U.S.C. § 1915(a) and (b). Because the Court grants the application, the filing fee for this civil rights complaint is \$350.00. Pursuant to § 1915(b)(1), Mr. Pino is required to make installment payments until the full amount of the filing fee is paid. Analyzing Mr. Pino's inmate account statement, (Doc. 5 at 2), (Doc. 9 at 5-7), under § 1915(b)(1), the Court finds that Mr. Pino owes an initial partial payment of \$23.52. If Mr. Pino fails to make a payment by the designated deadline or show cause why such payment should be excused, the civil rights complaint may be dismissed without further notice.

IT IS THEREFORE ORDERED that Mr. Pino's *Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915*, (Doc. 2), and *Application to Proceed in District Court Without Prepaying Fees or Costs*, (Doc. 9), are **GRANTED**.

IT IS FURTHER ORDERED that, within thirty (30) days of entry of this Order, Mr. Pino shall send to the Clerk an initial partial payment of \$23.52 or show cause why payment should be excused.

IT IS FURTHER ORDERED that the Clerk is directed to provide Mr. Pino with two copies of this Order, and that Mr. Pino make the necessary arrangements to attach one copy of this Order to the check in the \$23.52 amount of the initial partial payment.

IT IS FINALLY ORDERED that, after payment of the \$23.52 initial partial fee, Mr. Pino shall make monthly payments of twenty percent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE